

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF NEW YORK

IN THE MATTER OF )  
 )  
THE EXTRADITION OF ) Misc. No. 5:24-MJ- 0081 (ML)  
 )  
JAMES PATRICK DEMPSEY )

COMPLAINT  
(18 U.S.C. § 3184)

I, the undersigned Assistant United States Attorney, being duly sworn, state on information and belief and in reliance on the attached documentation, that the following is true and correct:

1. In this matter, I represent the United States of America in fulfilling its treaty obligations to the Federal Republic of Germany (“Germany”).
2. There is an extradition treaty in force between the United States and Germany. *See* Treaty Between the United States of America and the Federal Republic of Germany Concerning Extradition, U.S.-F.R.G., June 20, 1978, T.I.A.S. No. 9785 (the “1978 Treaty”), *as amended by* the Supplementary Extradition Treaty with the Federal Republic of Germany, U.S.-F.R.G., Oct. 21, 1986, S. TREATY DOC. NO. 100-6 (1987) (the “1986 Supplementary Treaty”), *and* the Second Supplementary Treaty to the Treaty Between the United States of America and the Federal Republic of Germany Concerning Extradition, U.S.-F.R.G., Apr. 18, 2006, S. TREATY DOC. NO. 109-14 (2006) (the “2006 Second Supplementary Treaty”; collectively, the “Treaty”), and collectively attached hereto as part of Exhibit A.
3. Pursuant to the Treaty, the Government of Germany has submitted to the United States a formal request through diplomatic channels for the extradition of James Patrick Dempsey (“Dempsey”), who currently resides within the Northern District of New York.

4. According to the information the Government of Germany has provided in its extradition request, Dempsey is charged with aggravated murder, in violation of Section 211 of the German Criminal Code.

5. This offense was committed within the jurisdiction of Germany. On June 24, 2022, Judge Berger of the Stuttgart Lower Court issued a warrant for Dempsey's arrest.

6. The materials from Germany reflect the following:

Details of the Offense

- a. Between June 8, 1978, and June 11, 1978, a 35-year-old woman named Bärbel Gansau ("Gansau" or the victim) was murdered in her apartment in Ludwigsburg, Germany. She lived on the ground floor of her apartment building. The apartment's windows were visible from the sidewalk. The ledge of the window into the victim's bathroom was only 100 centimeters high (slightly more than 37 inches). Witnesses told investigators that Gansau had a habit of leaving her bathroom window open to allow her cats to enter and leave the apartment freely.
- b. Forensic analysis reflects that while Gansau was asleep in her bed, a perpetrator attacked her with a knife. The intruder stabbed the victim 37 times. The victim sustained injuries to her neck, left arm, right thumb, left leg, and right upper leg. The intruder also stabbed Gansau in the center of her chest, piercing her pericardium, which investigators regarded as the main cause of her death. The nature of the wounds reflected that Gansau did not expect the attack and was unable to mount a defense against it.
- c. In 1978, after the murder, investigators collected a fingerprint from the aforementioned bathroom window frame. The fingerprint's position indicates that an individual entered Gansau's apartment from the outside, through this bathroom window.

- d. Gansau's neighbor, Hugo Rehberg, together with the victim's friend's husband, Robert Burright, discovered the victim's body on June 11, 1978. The body was naked and prone diagonally on her bed, toward the foot of the bed, with slightly spread legs, the tips of her feet resting on the carpet underneath the bed, and dragging traces of blood toward the foot of the bed. She was covered partially with a bedspread, but her legs were partly exposed, and her arms and head were fully exposed, with the arms raised above her head and bent slightly so the hands touched. The bedspread covered the majority of the stab wounds she sustained, as most of the wounds were on her upper body and the covered portions of her legs. There were large areas of blood on the bed cover, some of which were still wet, and a large pool of blood on the pillow at the head of the bed. The victim's underwear was found under the body and had been cut through. Blood and a discharge were found on the bed sheet between her legs.
- e. The victim's apartment was discovered in disarray following the murder. Her handbag was on the floor with its contents emptied. The window shutters were pulled up and the bathroom window was ajar. Various clothes and objects had been emptied from closets in the hallway and living room. The main door to the apartment was locked twice from the inside, and the key was in the lock. Investigators found three unique fingerprints in the victim's apartment, including the one found on the bathroom window frame.
- f. Investigators interviewed witnesses, including Gansau's neighbors, friends, and acquaintances. The victim was known to frequent non-commissioned officers' clubs for stationed American soldiers. A close friend, Rosemarie Baumann, stated that she had accompanied Gansau, on occasion, and that the victim was attracted to American men. The victim had maintained acquaintances with American soldiers, as well as sexual

relationships with some. Investigators identified several soldiers with whom she had been intimate; authorities obtained their fingerprints for comparison to the ones found in the victim's apartment, however, all the soldiers identified had alibis, and ultimately investigators were unable to identify a suspect at that time. Investigators found no evidence that the victim had prior consensual sexual contact with Dempsey, and he was not fingerprinted as part of the investigation in 1978.

Identification of Dempsey as the alleged perpetrator

- g. In 2020, German investigators reopened the investigation into Gansau's murder, due to changes in forensic technology. Investigators sent the fingerprint evidence, due to their continuing suspicion that the murderer was an American soldier, to an FBI liaison officer in Berlin, to compare with the database in the United States. On January 29, 2021, the FBI notified the German investigators that the fingerprints corresponding from the victim's bathroom window frame matched Dempsey's fingerprints in the U.S. database.
- h. The FBI provided Germany with information about Dempsey's current address and background. Between November 1976 and December 1978, Dempsey was a soldier in the U.S. Army. He was stationed in Germany from late 1977 to late 1978 in Ludwigsburg, the town where the victim resided and was murdered, as part of the 34th Battalion. Army records reflect that during his time in the Army, Dempsey developed a drinking problem and became aggressive under the influence of alcohol, resulting in alcohol rehabilitation for six days, beginning June 1, 1978, in Stuttgart-Bad Cannstatt. Dempsey was discharged from the Army in 1978. He continued to have problems with alcohol, including a charge in the United States in 1979, for driving under the influence and unauthorized use of a vehicle. Investigators conducted identification procedures incident to Dempsey's arrest at

the time.

- i. On April 14, 2021, the FBI conducted a trash pull at Dempsey's residence in the United States to assist the German investigation. The FBI provided evidence obtained through the trash pull to German investigators.
  - j. The German investigators used DNA trace analysis on several skin and sperm samples obtained at the crime scene. In particular, semen from the bedsheet between the victim's legs was analyzed and found to be a pure trace with a male one-person pattern. In 2022, German police investigators compared this DNA from the crime scene to the male DNA found in the trash pull from Dempsey's U.S. residence. Forensic testing indicated that the semen, as well as some skin samples from the crime scene, matched Dempsey's DNA found in the trash pull. Investigators determined that the likelihood of a match was one in 270 quadrillion.
7. Dempsey may be found within the jurisdiction of this Court at [REDACTED]  
[REDACTED]
8. Stacy Hauf, an Attorney-Adviser in the Office of the Legal Advisor for the U.S. Department of State, has provided the U.S. Department of Justice with a declaration authenticating a copy of the diplomatic note by which the request for extradition was made and a copy of the Treaty, stating that the Treaty covers the aforementioned offense for which Germany seeks extradition, and confirming that the documents supporting the request for extradition are properly certified by the principal U.S. diplomatic or consular officer in Germany, in accordance with 18 U.S.C. § 3190, so as to enable them to be received into evidence.
9. The declaration from the U.S. Department of State with its attachments, including a copy of the diplomatic note from Germany, a copy of the Treaty, and the certified documents submitted

in support of the request, (collectively, Government's **Exhibit A**) are filed with this Complaint and incorporated by reference herein.

10. Dempsey would have a strong reason to flee if he learned of the existence of a warrant for his arrest here and the outstanding warrant in Germany for his arrest on a charge of murder.

WHEREFORE, the undersigned requests that a warrant for the arrest of the aforementioned person issue in accordance with 18 U.S.C. § 3184 and the Treaty, so that the fugitive may be arrested and brought before this Court to the end that the evidence of criminality may be heard and considered, and that this Complaint and the warrant be placed under the seal of the Court until such time as the warrant is executed.

ATTESTED TO BY THE APPLICANT IN ACCORDANCE WITH THE REQUIREMENTS OF RULE 4.1 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE.

*s/ Stephen C. Green*

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Stephen C. Green  
Assistant United States Attorney

I, the Honorable Miroslav Lovric, United States Magistrate Judge, hereby acknowledge that this affidavit was attested by the affiant by telephone on February 9, 2024, in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure

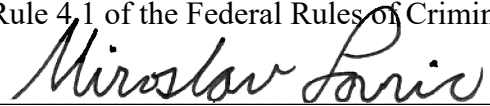
  
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Honorable Miroslav Lovric  
United States Magistrate Judge  
Northern District of New York

EXHIBIT A

SEALED